

City Council Agenda

Council President
Mike Dages

Councilmembers

Tom Boyajian
Brian Calhoun
Jerry Duncan

Henry T. Perea
Cynthia Sterling
Larry Westerlund

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

June 21, 2005

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. – 4:30 p.m. and re-played beginning at 8:30 p.m.

8:30 A.M. ROLL CALL

Invocation by Reverend Steve Ratzlaff of the Mennonite Community Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of June 13, 14 and 16, 2005

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.

A. ITEM REMOVED FROM THE AGENDA

- B.** Reject all bids for construction of infrastructure for a Traffic Signal Synchronization System Phase III
- General Services Department-Purchasing/Public Works

Action Taken:

- C. *** Award a requirements contract to West Coast Arborists, Inc. of Anaheim, California for proposals for maintenance of the street tree component of the Municipal Forest (Rebid) – General Services Department-Purchasing/Public Works

Action Taken:

- D. *** Approve the purchase of permanent street easements and temporary construction easements from APN's 444-031-17, 444-031-21, and 444-031-32 for the street widening project at Clinton and West Avenues – Public Works Dept.

Action Taken:

- E. *** Approve the acquisition of a street easement from property owned by Gardner Motors at the southwest corner of Blackstone and Bullard Avenues and approve a temporary construction easement for property at 5655 N. Blackstone – Public Works Dept.

Action Taken:

- F. *** Approve the purchase of 8.3 acres of land at Figarden Drive and the BNSF tracks for a future neighborhood park – Public Works Dept.

Action Taken:

- G. RESOLUTION** - Of intention to annex Final Tract No. 5290 to the City of Fresno Community Facilities District No. 2, Annexation No. 99, and setting the public hearing for July 26, 2005, at 10:00 a.m. – Public Works Dept.

Action Taken:

- H. *** Approve an agreement with Blair, Church and Flynn Consulting Engineers, Inc., to provide Professional Engineering Services for the Sugar Pine Trail under-crossing project at Fresno Street north of Nees Avenue – Public Works Dept.

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- I. Matters pertaining to proposed City of Fresno Community Facilities District No. 2005-1, the Running Horse Development - Public Works Dept.
1. **RESOLUTION** - Approving the form and substance of a deposit and reimbursement agreement, accepting a petition and determining to initiate and conduct proceedings relating to the Community Facilities District No. 2005-1, the Running Horse Development
Action Taken:
 2. **RESOLUTION** - Approving Boundary Map relating to the Community Facilities District No. 2005-1, the Running Horse Development
Action Taken:
 3. **RESOLUTION** - Of intention to establish a Community Facilities District and to authorize levy of a special tax and issuance of special tax bonds
Action Taken:
 4. **RESOLUTION** - Declaring intention to incur bonded indebtedness relating to Community Facilities District No. 2005-1, Running Horse Development
Action Taken:
 5. * **RESOLUTION** - 85th amendment to the AAR No. 2004-209 appropriating \$125,000 to form the Community Facilities District No. 2005-1 for Tentative Tract 5350 which corresponds to the Running Horse Development ***(Requires 5 affirmative votes)***
Action Taken:
- J. Matters regarding City of Fresno Landscaping and Lighting Maintenance District (LLMD) No. 1 - Public Works Dept.
1. **RESOLUTION** - Initiating Proceedings for the annual levy of assessment
Action Taken:
 2. **RESOLUTION** - Intention to levy and collect the annual assessment
Action Taken:
- K. **RESOLUTION** - Of intention to annex Final Tract No. 5261 as Annexation No. 98 to the City of Fresno Community Facilities District No. 2, and to authorize the levy of special taxes and setting the hearing for July 26, 2005 at 10:05 a.m. – Public Works Dept.
Action Taken:
- L. * **RESOLUTION** - 88th amendment to AAR No. 2004-209 appropriating \$300,000 in grant funds from the U.S. Department of Housing and Urban Development (HUD) and acceptance of a \$300,000 Economic Development Initiative Special Project Grant from HUD for residential rehabilitation in the Jefferson/Lowell neighborhood, approval of the City's participation in the program, and authorization for staff to negotiate and enter into a Sub-Grantee Agreement between the City and One By One Leadership for implementation of the project subject to prior approval as to form by the City Attorney's Office ***(Requires 5 affirmative votes)*** – Planning and Development Dept.
Action Taken:
- M. **RESOLUTION** – Amending Section 4.3 and Section 8.3(b) of the City of Fresno Flexible Benefits Plan – Personnel Department
Action Taken:
- N. Authorizing the City Manager to execute Flexible Benefits Administration Agreement and Business Associate Agreement with HealthComp, Third Party Administrators – Personnel Department
Action Taken:

2. **GENERAL ADMINISTRATION**

3. **CITY COUNCIL**

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. SCHEDULED COMMUNICATION -**
- B. UNSCHEDULED COMMUNICATION –** Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.
- 10:00 A.M. HEARING** to consider Community Facilities District No. 2, Annexation No. 94, Final Tract Map No. 5215 – Public Works Dept.
Action Taken: **Held**
- a. **RESOLUTION –** Annexing territory to Community Facilities District No. 2, Annexation No. 94, Final Tract Map No. 5215 and authorizing the levy of a special tax
Action Taken:
- b. **RESOLUTION –** Calling a special mailed-ballot election
Action Taken:
- c. **RESOLUTION –** Declaring election results
Action Taken:
- d. * **BILL –** Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 94
Action Taken:
- 10:05 A.M. HEARING** to consider Community Facilities District No. 2, Annexation No. 95, Final Tract Map No. 5196 – Public Works Dept.
Action Taken:
- a. **RESOLUTION –** Annexing territory to Community Facilities District No. 2, Annexation No. 95, Final Tract Map No. 5196 and authorizing the levy of a special tax
Action Taken:
- b. **RESOLUTION –** Calling a special mailed-ballot election
Action Taken:
- c. **RESOLUTION –** Declaring election results
Action Taken:
- d. * **BILL –** Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 95
Action Taken:
- 10:10 A.M. HEARING** to consider Community Facilities District No. 2, Annexation No. 96 Final Tract Map No. 5210 – Public Works Dept.
Action Taken:
- a. **RESOLUTION –** Annexing territory to Community Facilities District No. 2, Annexation No. 96, Final Tract Map No. 5210 and authorizing the levy of a special tax
Action Taken:
- b. **RESOLUTION –** Calling a special mailed-ballot election
Action Taken:
- c. **RESOLUTION –** Declaring election results
Action Taken:
- d. * **BILL –** Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 96
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:15 A.M. HEARING** to consider Fresno Community Facilities District No. 2, Annexation No. 97, Final Tract Map No. 5395 – Public Works Dept.
Action Taken:
- a. **RESOLUTION** – Annexing territory to Fresno Community Facilities District No. 2, Annexation No. 97, Final Tract Map No. 5395 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** – Declaring election results
Action Taken:
 - d. * **BILL** – Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Fresno Community Facilities District No. 2, Annexation No. 97
Action Taken:
- 10:20 A.M. HEARING** regarding change of services for Tract 5258, Annexation No. 81, Community Facilities District No. 2 - Public Works Dept. ***(Continue to June 28, 2005 @ 10:20 a.m.)***
Action Taken:
- 10:25 A.M. HEARING** regarding change of services for Tract 5295, Annexation No. 82, Community Facilities District No. 2 - Public Works Dept. ***(Continue to June 28, 2005 @ 10:25 a.m.)***
Action Taken:
- 10:30 A.M. HEARING** regarding change of services for Tract 5237, Annexation No. 83, Community Facilities District No. 2 - Public Works Dept. ***(Continue to June 28, 2005 @ 10:30 a.m.)***
Action Taken:
- 10:35 A.M. HEARING** regarding change of services for Tract 4983, Annexation No. 31, Community Facilities District No. 2 - Public Works Dept. ***(Continue to June 28, 2005 @ 10:35 a.m.)***
Action Taken:
- 10:40 A.M. HEARING** regarding change of services for Tract 4598, Annexation No. 61, Community Facilities District No. 2 - Public Works Dept. ***(Continue to June 28, 2005 @ 10:40 a.m.)***
Action Taken:
- 11:00A.M. #1** **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** Alex Champion v. City of Fresno
 2. **Case Name:** Joan Dalgety and Jacob R. Smith v. City of Fresno; Donna Hoffman
 3. **Case Name:** City of Fresno v. Madera County Board of Supervisors; County of Madera
Action Taken:
- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)
Significant Exposure to Litigation:
1. City of Fresno v. U.S. Army Corps of Engineers and the Boeing Company, Inc.
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

11:00 A.M. #3 **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

2:00 P.M. #1 **CONTESTED CONSENT CALENDAR**

2:30 P.M. #1 **HEARING** regarding draft Fiscal Year 2006 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) for use of Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), and Emergency Shelter Grant (ESG), and the American Dream Downpayment Initiative (ADDI) program funds and authorizing the City Manager to sign all implementing documents required by HUD - Planning and Development Dept.
Action Taken:

2:30 P.M. #2 **CONTINUED BUDGET HEARING**

A. Departments still to be considered:

- | | |
|---|-------------------------------|
| 1. Capital Projects /Public Works Dept. | 6. Economic Development Dept. |
| 2. Parks and Recreation Dept. | 7. General City Purpose |
| 3. Convention Center | 8. CDBG |
| 4. Personnel Dept. | 9. Redevelopment Agency |
| 5. Transportation Dept. (FAX) | |

B. Action on the FY 2005-2006 Budget and related items

1. Discussion and action as required regarding the impact of decision regarding in-lieu fees on the fiscal year 2005-2006 budget
Action Taken:
2. List of FY 2005-2006 motions for consideration and action
Action Taken:
3. * **RESOLUTION** - Adopting FY 2005-2006 City of Fresno budget, including the Community Development Block Grant (CDBG) budget, and including the Annual Appropriation Resolution (**AAR**)
Action Taken:
4. * **RESOLUTION** - Adopting the FY 2005-2006 Position Authorization Resolution (**PAR**)
Action Taken:
5. * **RESOLUTION** - Adopting the 431st amendment to the Master Fee Schedule (**MFS**) Resolution No. 80-420, regarding the following:
 - a. Parks, Recreation and Community Services Department - Community Sports Teams - Baseball Team/League revised/added fees will range between \$500 - \$1,250
 - b. Parks, Recreation and Community Services Department - Community Sports Teams - Outdoor Soccer Team/League fee will increase by \$25
 - c. Transportation - Airport - adding Air Cargo Ramp fee at FYI
 - d. Transportation - Airport - adding Customer Facility Charge at FYI
 - e. Transportation - Airport - adding Federal Inspection Station (FIS) User fee at FYI**Action Taken:**
6. * **BILL - (For introduction and adoption)** - Adopting the Property Tax Override (**PTO**) Ordinance
Action Taken:
7. * **RESOLUTION** - Selection of methodology for determination of FY 2005-2006 Gann Appropriation Limit
Action Taken:
8. * **RESOLUTION** - Establishing rules for the application of City employee compensation rates and schedules and related requirements, and establishing compensation rates and schedules - FY 2005-2006 Salary Resolution
Action Taken:
9. **RESOLUTION** - Approving submission of the Fiscal Year 2006 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) for use of Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), and Emergency Shelter Grant (ESG), and the American Dream Downpayment Initiative (ADDI) program funds and authorizing the City Manager to sign all implementing documents required by HUD - Planning and Development Dept.
Action Taken:

Continue Fiscal Year 2005-2006 Budget consideration to Wednesday, June 22, 2005 (if necessary)

June 21, 2005

***SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

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SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:00 P.M. **HEARING** to consider resolution of public use and necessity for the acquisition of fee title for the development of pump station 61A on the following parcel of real property located on the South Side of Butler Avenue between Cedar and Chance Avenues in the City of Fresno: APN 471-070-05 and is owned by Hanoians, Inc. – Public Works Dept. ***(Continue to June 28, 2005 @ 2:30 P.M.)***

Action Taken:

- a. * **RESOLUTION** - That the public interest and necessity require and authorize eminent domain for acquisition of fee title for the development of pump station 61A on the following parcel of real property located on the south side of Butler Avenue between Cedar and Chance Avenues in the City of Fresno: APN 471-070-05 and is owned by Hanoians Inc. ***(Requires 5 affirmative votes)***

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

June	28 -	10:00 A.M.	HEARING to consider the approval of a vacation of a portion of the Mariposa-"U" alley north of Divisadero (R.I. No. 1041-D)
June	28 -	10:15 A.M.	HEARING re: Eminent Domain (Blackstone and Bullard)
June	28 -	10:20 A.M.	CONTINUED HEARING regarding change of services for Tract 5258, Annexation No. 81, Community Facilities District No. 2 - Public Works Dept
June	28 -	10:25 A.M.	CONTINUED HEARING regarding change of services for Tract 5295, Annexation No. 82, Community Facilities District No. 2 - Public Works Dept.
June	28 -	10:30 A.M.	CONTINUED HEARING regarding change of services for Tract 5237, Annexation No. 83, Community Facilities District No. 2 - Public Works Dept.
June	28 -	10:35 A.M.	CONTINUED HEARING regarding change of services for Tract 4983, Annexation No. 31, Community Facilities District No. 2 - Public Works Dept
June	28 -	10:40 A.M.	CONTINUED HEARING regarding change of services for Tract 4598, Annexation No. 61, Community Facilities District No. 2 - Public Works Dept
June	28 -	10:45 A.M.	CONTINUED HEARING to consideration of Plan Amendment Application No. A-03-05, Rezone Application No. R-03-30, Conditional Use Permit Application No. C-03-82, and environmental findings, filed by Derrel's Mini Storage
June	28 -	11:00 A.M.	CONTINUED HEARING to consideration of Plan Amendment Application No. A-04-09, Rezone Application No. R-04-29, Conditional Use Permit Application No. C-04-71, and environmental findings, filed by Derrel's Mini Storage
June	28 -	2:30 P.M.	CONTINUED HEARING to consider resolution of public use and necessity for the acquisition of fee title for the development of pump station 61A at property located on the south side of Butler Avenue between Cedar and Chance Avenues in the City of Fresno: APN 471-070-05 and is owned by Hanoians, Inc.
July	5 -		NO MEETING - COUNCIL VACATION
July	12 -		NO MEETING - COUNCIL VACATION
July	19 -	8:30 A.M.	Presentation of P.R.I.D.E. Certificates for the Summer Quarter
July	19 -	10:00 A.M.	Adoption of Finding of Conformity for long-term CVP contract renewal – Dept. of Public Utilities
July	19 -	10:15 A.M.	HEARING re: Tow Ordinance – Police Department
July	19 -	10:30 A.M.	HEARING re: vacation of a portion of Barstow, east of Bryan, R.I. 1042-D
July	19 -	4:30 P.M.	JOINT HEARING/RDA to consider adoption of an ordinance relating to the proposed 2005 Amendments to the Convention Center Redevelopment Plan and approving related documents
July	26 -	10:00 A.M.	HEARING re: CFD No. 2, Annexation No. 99, Final Tract Map No. 5290
July	26 -	10:05 A.M.	HEARING re: CFD No. 2, Annexation No. 98, Final Tract Map No. 5261
July	26 -	10:30 A.M.	HEARING re: LLMD No. 1 to consider the proposed annual assessments for Landscaping and Lighting Maintenance District No. 1
July	26 -	2:30 P.M.	HEARING re: Community Facilities District No. 2005-01 (Running Horse Development Project) – Public Works Dept.
Aug.	2 -		NO MEETING - COUNCIL VACATION
Aug.	9 -		NO MEETING - COUNCIL VACATION
Aug.	16 -	10:00 A.M.	HEARING - Approve the vacation of a portion of the Herndon Avenue frontage road at the northeast corner of Herndon and Mariposa Avenues
Aug.	23 -	10:30 A.M.	Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

Sept. 6 - NO MEETING - COUNCIL VACATION
Sept. 13 - NO MEETING - COUNCIL VACATION
Oct. 18 - NO MEETING - COUNCIL BREAK
Nov. 15 - 10:30 A.M. Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling

BUDGET HEARING SCHEDULE FY 2006

June 22, 23 and June 24 (If necessary)

The Departments will be heard in the following general order:

- | | |
|-------------------------------|-------------------------------|
| 1. Capital Projects | 6. Economic Development Dept. |
| 2. Parks and Recreation Dept. | 7. General City Purpose |
| 3. Convention Center | 8. CDBG |
| 4. Personnel Dept. | 9. Redevelopment Agency |
| 5. Transportation Dept. (FAX) | |

(Future workshops – dates to be determined)

(June) WORKSHOP – Follow-up discussion regarding Caltrans discussion held 12/7/2004
WORKSHOP – Urban Forest